

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

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**AFFYMETRIX, INC.**, a Delaware corporation,

Plaintiff/Counter-Defendant,

v.

**ILLUMINA, INC.**, a Delaware corporation,

Defendant/Counter-Plaintiff.

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) Civil Action No.: 04-901 JJF  
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**MOTION FOR SUMMARY JUDGMENT OF INVALIDITY OF THE ASSERTED  
CLAIMS OF THE '432 PATENT**

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Defendant Illumina, Inc. respectfully moves for summary judgment of invalidity of the asserted claims of U.S. Patent No. 6,355,432 ("the '432 Patent"). The grounds for this motion are fully set forth in the accompanying brief filed contemporaneously herewith.

  
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Dated: July 14, 2006

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Civil Action No.: 04-901 JJF

**ORDER**

IT IS HEREBY ORDERED, this \_\_\_\_\_ day of \_\_\_\_\_, 2006,  
upon consideration of Illumina's Motion for Summary Judgment of Invalidity of the Asserted  
Claims of the '432 Patent, and the parties' arguments and submissions related thereto, that the  
motion is **GRANTED**. The asserted claims 2, 5, 8, and 9 of U.S. Patent No. 6,355,432 are  
hereby adjudged to be invalid.

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United States District Judge

**CERTIFICATE OF SERVICE**

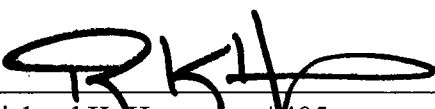
I hereby certify that on the 14<sup>th</sup> day of July, 2006, I caused to be electronically filed the foregoing document, **MOTION FOR SUMMARY JUDGMENT OF INVALIDITY OF THE ASSERTED CLAIMS OF THE '432 PATENT**, with the Clerk of the Court using CM/ECF which will send notification of such filing to the following:

Jack B. Blumenfeld, Esq.  
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Additionally, I hereby certify that on the 14<sup>th</sup> day of July, 2006, the foregoing document was served via email and hand delivery on the above and via email and Federal Express on the following non-registered participant:

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By: \_\_\_\_\_

  
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